

1904, art. 70, sec. 9. 1888, art. 70, sec. 8. 1860, art. 68, sec. 8. 1854, ch. 18, sec. 1.

9. It shall only be necessary for an officer who is required to take and subscribe the oath prescribed by the sixth section of the first article of the constitution to declare orally at the time his belief in the Christian religion, or, if he profess to be a Jew, of his belief in a future state of rewards and punishments; and it shall be presumed that an officer who has taken and subscribed the oath made at the same time such declaration of belief.

Ibid. sec. 10. 1888, art. 70, sec. 9. 1860, art. 68, sec. 9. 1854, ch. 18, sec. 3.

10. The oath to be administered to a person who has an appointment which requires him to take an oath, but who is not embraced in the provisions of the aforesaid section of the constitution, shall be that he will faithfully discharge his duty, unless a different form of oath is prescribed by law or ordinance.

Ibid. sec. 11. 1888, art. 70, sec. 10. 1860, art. 68, sec. 10. 1852, ch. 172, sec. 5. 1854, ch. 18, sec. 9.

11. Any person, whether elected or appointed to office, who shall decline or neglect to take and subscribe the oaths prescribed by the constitution or by law or ordinance for the period of thirty days from the day when the commission of such officer has been received at the office of the respective clerks, or, in those cases in which no commission is sent to the clerks, within thirty days after receiving his commission or notice of his appointment, shall be deemed to have refused said office.

This section indicates that the commission is a prerequisite to the qualification of an officer where the law or the constitution requires one to be issued. In the absence of a commission the clerk has no authority to qualify. *Magruder v. Tuck*, 25 Md. 218.

This section was intended to insure the prompt acceptance of office. The officers are entitled to no salary until they qualify and enter upon the discharge of their duty. *Groome v. Gwinn*, 43 Md. 633.

Where an officer fails to qualify in due time under this section, the office is vacant, and the governor may fill the vacancy by reappointing the party failing to qualify. This section construed in connection with article 33, section 1 (providing for the appointment of supervisors of elections), and article 2, section 13 of the state constitution. *Sappington v. Slade*, 91 Md. 644.

As to the effect of the failure to take the oath of office upon the liability of sureties, see *Laurenson v. State*, 7 H. & J. 339.

The limitation of time contained in this section has no application to the officers mentioned in section 2. *Quære*, within what time such officers must qualify. *Harwood v. Marshall*, 9 Md. 103.

Ibid. sec. 12. 1888, art. 70, sec. 11. 1860, art. 68, sec. 11. 1852, ch. 172, sec. 4.

12. The clerk of the superior court and clerks of the circuit courts (who shall be entitled to a fee of ten cents for administering the aforesaid oath, to be paid by the party), shall report to the secretary of state, at least once a month, the names and offices of all officers who have taken and subscribed the same before them, respectively, which reports shall be carefully preserved by the said secretary of state; and he shall